

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *eg* D.C.

05 JUN 21 PM 1:23

CHARLENE SPINKS,

Plaintiff,

v.

HOME TECH SERVICES CO., INC.,
et al.,

Defendants.

ROBERT R. DI TROLIO
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03 CV 2568 D/P ✓

BOBBIE J. CARR,

Plaintiff,

v.

HOME TECH SERVICES CO., INC.,
et al.,

Defendants.

03 CV 2569 D/P

ORDER ON PLAINTIFFS' MOTION FOR CLARIFICATION OF THE COURT'S ORAL
ORDER OF MAY 11, 2005

Before the court is plaintiffs Charlene Spinks and Bobbie Carr's Motion for Clarification of the Court's Oral Order of May 11, 2005, Limitation on Scope of Production and Request for a Hearing, filed June 20, 2005. Apparently, the plaintiffs filed this motion after receiving NovaStar's letter to the court, dated June 15, 2005, asking the court to conduct an expedited telephone

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conference with the parties to resolve a dispute regarding the plaintiffs' production of a database and the underlying loan documents and information (referred to collectively as "database"). This database has been the subject of prior motions to compel filed by certain defendants. Plaintiffs have previously relied on this database in responding to discovery requests, and it is undisputed that the plaintiffs' expert will use the database in his report. Plaintiffs had agreed to produce this database to the defendants to the extent the information is relevant to these particular lawsuits, but had been unable to produce the database because it was not in completed form.

On May 11, 2005, at a hearing on an unrelated motion, the court asked plaintiffs' counsel about the status of the database and, specifically, when it would be ready to be produced to defendants. Counsel stated that he believed the database would be ready by the end of the month. The court, ruling from the bench, ordered the plaintiffs to produce the database to the defendants by May 31, 2005.

On June 21, 2005, the court held a telephone conference with the parties. All interested parties were present and heard. At the conclusion of that conference, the court clarified its May 11 order as follows:

1. By June 30, 2005, the plaintiffs shall produce those portions of the database that they contend are relevant to these lawsuits. To the extent the plaintiffs contend that portions

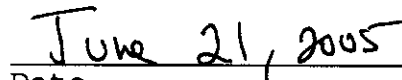
of the database are not relevant to these lawsuits, those portions of the database need not be produced.

2. Plaintiffs shall not withhold production of any portions of the database that they contend are relevant, on the basis that the District Judge's ruling on the plaintiffs' pending objections to the court's March 24, 2005 order may result in "overproduction" of the database by the plaintiffs.
3. Production of the database shall be governed by a protective order agreed to by the parties.

IT IS SO ORDERED.



TU M. PHAM
United States Magistrate Judge



Date



Notice of Distribution

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Honorable Bernice Donald
US DISTRICT COURT